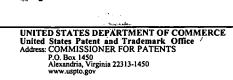




## United States Patent and Trademark Office



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,748	09/15/2000	Toshiyuki Kajigano	T4025.0021/P021	3510
24998	7590 06/17/2004		EXAMINER	
DICKSTEIN 2101 L STRE	N SHAPIRO MORIN & O	NEYZAR	NEYZARI, ALI	
WASHINGTON, DC 20037-1526			ART UNIT	PAPER NUMBER
	•		2655	1
			DATE MAILED: 06/17/2004	$\mathcal{A}$

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Annicont(a)				
	Application No.	Applicant(s)				
	09/662,748	KAJIGANO, TOSHIYUKI				
Office Action Summary	Examiner	Art Unit				
	ALI NEYZARI	2655				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.  after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin  earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be by within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS fr e, cause the application to become ABANDO	e timely filed  days will be considered timely.  om the mailing date of this communication.  NED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 15 S	September 2000.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
<ul> <li>4) ⊠ Claim(s) 1-9 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdra</li> <li>5) ☐ Claim(s) is/are allowed.</li> <li>6) ☐ Claim(s) is/are rejected.</li> <li>7) ☐ Claim(s) is/are objected to.</li> <li>8) ☒ Claim(s) 1-9 are subject to restriction and/or exercises.</li> </ul>						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1,121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summa Paper No(s)/Mail 5) Notice of Informa 6) Other:					

Application/Control Number: 09/662,748

Art Unit: 2655

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-7, drawn to an audio system including an audio reproducing device and audio recording device, classified in class 369, subclass 32.01.
- II. Claim 8, drawn to audio reproducing device, classified in class 369, subclass 41.1+.
- III. Claim 9, drawn to an audio recording device classified in class 369, subclass 44.39.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an audio reproducing. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/662,748

Art Unit: 2655

A telephone call was made to Mark Thronson on 11-12-2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALI NEYZARI whose telephone number is 703-308-4906. The examiner can normally be reached on Mon-Thurs from 7:00 AM TO 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

